

HOUSE BILL NO. 569

INTRODUCED BY J. ESP

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME PERIODS WITHIN WHICH A NEWLY LICENSED OUTFITTER, A NEWLY LICENSED OUTFITTER WHO PURCHASES AN EXISTING OUTFITTING BUSINESS, AND AN OUTFITTER WHO REQUESTS AN EXPANSION OF NET CLIENT HUNTER USE HAVE TO ESTABLISH NET CLIENT HUNTER USE; AMENDING SECTION 37-47-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-47-316, MCA, is amended to read:

"37-47-316. Request for net client hunter use expansion -- operation -- transfer of NCHU upon transfer of operations plan. (1) An outfitter who wishes to establish or expand NCHU shall present an expansion request to the board. A newly licensed outfitter ~~shall establish NCHU in the same manner as a licensed outfitter who requests an NCHU expansion~~ licensed after [the effective date of this act] has 5 1/2 years from the date of first licensure to establish NCHU, unless the newly licensed outfitter is purchasing the business of an existing outfitter, in which case the provisions of subsection (5) apply. The board shall evaluate the request based on the criteria provided in 37-47-317.

(2) For any establishment or expansion of NCHU approved by the board after March 1, 1996, the outfitter has ~~3 years from the date of the expansion approval~~ until December 31, 2004, to establish the new NCHU. ~~Upon expiration of the third year~~ After December 31, 2004, the outfitter's client base must be adjusted to reflect the highest number of clients actually served, up to but not exceeding the number of clients authorized by the NCHU expansion request. THIS SUBSECTION (2) DOES NOT APPLY TO AN OUTFITTER NEWLY LICENSED AFTER [THE EFFECTIVE DATE OF THIS ACT].

(3) An outfitter may exceed the NCHU in any given year by the following percentages without formally requesting an NCHU expansion:

- (a) 10% for an outfitter with 1 to 50 clients;
- (b) 8% for an outfitter with 51 to 100 clients; and
- (c) 2% for an outfitter with 101 to 300 clients.

1 (4) When an expansion of NCHU is approved, the outfitter who is granted the expansion shall
2 operate within the limits of the NCHU. The flexibility to exceed NCHU in any given year, as outlined in
3 subsection (3), does not apply to an outfitter who has been previously granted an NCHU expansion.

4 (5) The NCHU of an existing outfitting business transfers with the operations plan for that
5 business unless the business has not been in operation for at least 3 years. Upon the expiration of ~~3~~ 5 1/2
6 years after transfer, the client base must be adjusted to reflect the highest number of clients served in any
7 category during the preceding ~~3~~ 5 1/2 years, not to exceed the total authorized by the NCHU."

8
9 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

10 - END -